IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

OP.No. 30614 of 2002(T)

PETITIONER:
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1. **KERALA IRRIGATION AND PROJECT WORKERS UNION (CITU) REG.NO.1/88, ALUVA, REPRESENTED BY ITS GENERAL SECRETARY M.P.PATHROSE.**

2. **P.MURALEEDHARAN, BHASKAR NIVAS, SREEMOOLANAGARAM.**

BY ADV. SRI.P.RAMAKRISHNAN
PREETHI RAMAKRISHNAN

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, WATER RESOURSES DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE CHIEF ENGINEER, IRRIGATION AND ADMINISTRATION, THIRUVANANTHAPURAM.**

3. **THE EXECUTIVE ENGINEER, M.I.DIVISION, ERNAKULAM.**

4. **THE ASSISTANT EXECUTIVE ENGINEER, ELECTRICAL WING (IRRIGATION) SUB DIVISION, ALUVA.**

BY GOVERNMENT PLEADER SMT.SMITHA SUKUMAR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NOS.51814/02 , 7547/2003 IN OP.30614/2002

DISMISSED

27.06.2007 **SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE JUDGMENT DT. 23.7.98 IN OP. NO.8369/98 HIGH COURT OF KERALA.

EXT.P2:- COPY OF THE GO(P) 1484/99/FIN DT. 17.6.99 OF GOVERNMENT OF KERALA 1ST RESPONDENT.

EXT.P3:- COPY OF THE CIRCULAR DT. 26.6.00 ISSUED BY 2ND RESPONDENT.

EXT.P4:- COPY OF THE CIRCULAR DT. 5.9.02 ISSUED BY 2ND RESPONDENT.

/TRUE COPY/

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THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.30614 of 2002-T

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Dated this the 27th day of June, 2007.

JUDGMENT

The impugned circular requiring the existing Pump Operators to undergo a test was, obviously, as stated in the counter affidavit, intended only to ensure that they are capable of discharging their duties and responsibilities. At any rate, the same cannot be for the purpose of determining whether they are entitled to be paid the wages for their engagement. Under such circumstances, the impugned circular cannot be enforced against the petitioners for depriving them of their emoluments. It is so declared and the writ petition allowed accordingly. No costs.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 30614 of 2002-T

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JUDGMENT

Dated: 27th June, 2007.